

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

IN RE:)	In Proceedings
)	Under Chapter 13
Deborah Martin,)	
)	Bk. No.: 14-31540
Debtor./Debtors.)	
)	
RUSSELL C. SIMON,)	
CHAPTER 13 TRUSTEE)	
Objector.)	
)	
DLJ Mortgage Capital Inc.)	
CLAIM #5)	
Creditor/Respondent.)	

TRUSTEE'S OBJECTION TO CLAIM #5 FILED BY DLJ MORTGAGE CAPITAL INC.

COMES NOW, RUSSELL C. SIMON, Chapter 13 Trustee, and objects to the claim of the above named creditor filed in this proceeding. The Trustee OBJECTS for the following reasons:

1. The instant case commenced on September 15, 2014.
2. Creditor has filed a Proof of Claim on November 13, 2014 asserting an arrearage amount of \$44,923.51.
3. Proof of Claim attachment Form B 10, Attachment A includes appraisal/broker's price opinion fees of \$89.00 that were incurred November 10, 2019.
4. The appraisal/broker's price opinion fees were incurred post petition, therefore, they should have been filed as a supplement to the original proof of claim, entitled, Notice of Post-petition Mortgage Fees, Expenses, and Charges pursuant to Fed. R. Bankr. P. 3002.1(d)
5. Based on the foregoing, the proof of claim must be reduced by the post-petition costs of \$89.00.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that Claim #5 is reduced by the amount of the appraisal/broker's price opinion fees (\$89.00) to \$44,834.51, and for all other relief this Court deems just and equitable.

Respectfully Submitted,

/s/ Russell C. Simon
RUSSELL C. SIMON, TRUSTEE

Dated: November 19, 2014

RUSSELL C. SIMON
Chapter 13 Trustee
33 Bronze Pointe, Suite 110
Swansea, Illinois 62226
(618) 277-0086

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document was mailed to the following interested parties who have not been electronically notified by first class mail on this 19th day of November 2014:

Deborah L Martin
411 W Cleveland Ave
Belleville, IL 62220

J D GRAHAM
1103 FRONTAGE RD
OFALLOON, IL 62269

DLJ MORTGAGE CAPITAL INC
C/O SELENE FINANCE LP
9990 RICHMOND STE 100
HOUSTON, TX 77042

DLJ MORTGAGE CAPITAL INC
C/O SELENE FINANCE
9990 RICHMOND AVE STE 400S
HOUSTON, TX 77042

PIERCE & ASSOCIATES PC
1 N DEARBORN ST STE 1300
CHICAGO, IL 60602

/s/Mindy B.